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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Michael J. Picciallo et al.**

Serial No.: **09/781,715** Examiner: **C. Kyle**

Filed: **February 12, 2001** Group Art Unit: **3624**

For: Controlled Entertainment Spending Account

Attorney Docket No. P22,425-E USA

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, along with any paper indicated as being enclosed, are being sent via facsimile addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at (703) 357-9306 on June 30, 2005.

June 30, 2005
Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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VOLUNTARY COMMUNICATION

The present communication is submitted as a supplement to the Amendment submitted pursuant to 37 C.F.R. §1.111 on June 17, 2005 in response to the March 31, 2005 Official Action. As part of that response Applicants inadvertently mischaracterized the disclosure of Nakano et al., U.S. Patent No. 5,845,260, which was cited by the Examiner as prior art under 35 U.S.C. §102(e).

In particular, Nakano et al. was mischaracterized as failing to disclose the presently claimed periodic allowance feature. To address this Applicants are submitting herewith the Rule 131 Declaration of Inventor Michael Picciallo documenting conception and reduction to practice of the allowance feature, and other features that are presently claimed, before the January 24, 1996 filing date of Nakano et al.

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Nakano et al. is thus not prior art against the present application. Reconsideration by the Examiner and withdrawal of all rejections based on Nakano et al. is therefore respectfully requested.

Because this represents all of the pending prior art rejections, this application is now in condition for allowance. Reconsideration is respectfully requested. The Examiner is reminded to telephone the undersigned if there are any remaining issues in this application to be resolved.

Finally, if there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's deposit account number 19-5425 therefor.

Respectfully submitted,

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